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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,008	06/20/2003	Steven J. Berry	71501-0002	1007
20915	7590	04/17/2006	EXAMINER	
MCGARRY BAIR PC 171 MONROE AVENUE, N.W. SUITE 600 GRAND RAPIDS, MI 49503			STERLING, AMY JO	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 04/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/604,008	Applicant(s) BERRY ET AL.	
	Examiner Amy J. Sterling	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 12,13,16,28,29 and 32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11,14,15,17-22 and 24-26 is/are rejected.
- 7) ☒ Claim(s) 23,27,30 and 31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is a non-final Office Action for application number 10/604,008 Gas Cylinder Base, filed on 6/20/06. Claims 1-32 are pending. Claims 12, 13, 16, 28, 29 and 32 are withdrawn. This non-final Action is in response to applicant's reply dated 8/30/05. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

In view of the Appeal Brief filed on 8/30/05, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below. Any inconvenience to the applicant is regretted.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:


Kim Wood

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2 and 18 recite the limitation "the diameter of the gas cylinder". There is insufficient antecedent basis for this limitation in the claims. Also, with regards to claim 2, the claim is indefinite because it is unclear how a comparison between the "first lateral dimension" and the "diameter of the gas cylinder" can be made when the "gas cylinder" has not yet been positively claimed. The "gas cylinder" is used only as a functional limitation.

Claim Rejections - 35 USC § 102

Claims 1-10, 14, 15 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 2044192 to Templin, Jr.

The patent to Templin, Jr. discloses a circular base having a base skirt (1) having a first lateral dimension and a continuous support ring element coaxial with and extending upwardly from the base skirt defining a second lateral dimension less than the first lateral dimension adapted to slidably receive the base ring of a gas cylinder, the support element having at least one thumb screw threaded fastener with a point for attaching the gas cylinder to the base and insertable into a base ring of a cylinder, if so desired, the fastener which is threadedly inserted into the at least one threaded

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apertured therethrough the support element and wherein the first lateral dimension is greater than the diameter of the gas cylinder.

Claims 17-22 and 24-26 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 4245505 to Baynes.

Baynes teaches a gas cylinder support having a gas cylinder (96) having a base ring (92) attached thereto and having at least one base ring aperture (near 94) therethrough and a gas cylinder base having a base skirt (20) having a first lateral dimension and a continuous support ring element (90) extending upwardly from the base skirt defining a second lateral dimension less than the first lateral dimension and adapted to receive the base ring of the gas cylinder, the support having at least one threaded thumb screw fastener (94,95) for attaching the gas cylinder base to the gas cylinder wherein the fastener has a point at an end (of 95) thereof and the fastener which is inserted into the aperture of the base ring to engage the base ring, wherein the diameter of the base skirt (20) is greater than the diameter of the gas cylinder, wherein the support element has at least one threaded aperture (near 100) therethrough

Claim Rejections - 35 USC § 103

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 2044192 to Templin, Jr. as applied to claims 1 and 10 above and in view of United States Patent No. 5901525 to Doeringer et al.

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Templin, Jr. teaches the basic inventive concept as shown above with the exception that it does not teach wherein the support ring terminates in radially-inwardly sloping chamfered end.

Doeringer et al. teaches a support which has a base skirt (60) and a upwardly extending support element (130) the support element which terminates in a radially-inwardly sloping chamfered end, used in order to make it easier to slide the desired object into the support. Therefore it would have been obvious to one of ordinary skill in the art to have used the radially-inwardly sloping chamfered edge as taught by Doeringer et al. in order to easily slide the desired device into the support.

Response to Arguments

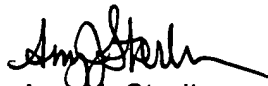
Applicant's arguments, see Appeal Brief, filed 8/30/05, with respect to the rejection(s) of the claim(s) under Burkett have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the references above.

Allowable Subject Matter

Claims 23, 27, 30 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The examiner can normally be reached (M-F 8 a.m.-5:00 p.m.). If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached at 571-272-6788. The fax machine number for the Technology center is 571-273-8300 (formal amendments) or 571-273-6823 (Informal communications). Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600


Amy J. Sterling
4/13/06